IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRETT PETERS

Plaintiff,

CIVIL ACTION NO. 12-2946 v.

SETIZ, Correctional Officer, et al.

Defendants.

ORDER

AND NOW, this 25th day of August 2016, upon consideration of Defendants' Motion for Summary Judgment and the counseled responses and replies thereto, it is hereby **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as follows:

- 1. Summary Judgment is **GRANTED** as to Defendant Lancaster County.
- 2. Summary Judgment is **GRANTED** as to Count III (deliberate indifference) against Defendant William Seitz.
- Summary Judgment is **DENIED** as to Count I (excessive force) and Count II (assault and battery) against Defendant William Seitz.

It is further **ORDERED** that no later than **September 9, 2016**, counsel shall submit a joint status report as to whether they believe a settlement conference before a magistrate judge, mediation under Local Civil Rule 53.3, or some other form of alternative dispute resolution might be of assistance in resolving the case and, if so, on what form of alternative dispute resolution they agree and by what date they will be prepared to commence such proceedings.

If the parties do not wish to engage in alternative dispute resolution, they shall provide the Court with a joint proposed schedule for trial on the remaining claims.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFE, J.